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PROVIDING FOR FURTHER CONSIDERATION OF THE BILL (H.R. 5303) TO PROVIDE FOR IMPROVEMENTS TO THE RIVERS AND HARBORS OF THE UNITED STATES, TO PROVIDE FOR THE CONSERVATION AND DEVELOPMENT OF WATER AND RELATED RESOURCES, AND FOR OTHER PURPOSES; PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 6094) TO PROVIDE FOR A 6-MONTH DELAY IN THE EFFECTIVE DATE OF A RULE OF THE DEPARTMENT OF LABOR RELATING TO INCOME THRESHOLDS FOR DETERMINING OVERTIME PAY FOR EXECUTIVE, ADMINISTRATIVE, PROFESSIONAL, OUTSIDE SALES, AND COMPUTER EMPLOYEES; AND PROVIDING FOR PROCEEDINGS DURING THE PERIOD FROM SEPTEMBER 29, 2016, THROUGH NOVEMBER 11, 2016

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September 27, 2016.—Referred to the House Calendar and ordered to be printed.

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MR. WOODALL, from the Committee on Rules, submitted the following

## R E P O R T

[To accompany H. Res. \_\_]

The Committee on Rules, having had under consideration House Resolution \_\_\_\_, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

### SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for further consideration of H.R. 5303, the Water Resources Development Act of 2016, under a structured rule. The resolution provides for no further general debate. The resolution makes in order only those further amendments printed in this report. Each such amendment may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The resolution waives all points of order against the amendments printed in

this report. The resolution provides one motion to recommit with or without instructions.

Section 2 of the resolution provides for consideration of H.R. 6094, the Regulatory Relief for Small Businesses, Schools, and Nonprofits Act, under a closed rule. The resolution provides one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Education and the Workforce. The resolution waives all points of order against consideration of the bill. The resolution provides that the bill shall be considered as read. The resolution waives all points of order against provisions in the bill. The resolution provides one motion to recommit.

Section 3 of the resolution provides that on any legislative day during the period from September 29, 2016, through November 11, 2016: the Journal of the proceedings of the previous day shall be considered as approved; and the Chair may at any time declare the House adjourned to meet at a date and time to be announced by the Chair in declaring the adjournment.

Section 4 of the resolution provides that the Speaker may appoint Members to perform the duties of the Chair for the duration of the period addressed by section 3.

Section 5 of the resolution provides that each day during the period addressed by section 3 of the resolution shall not constitute calendar days for the purposes of section 7 of the War Powers Resolution (50 U.S.C. 1546).

Section 6 of the resolution provides that each day during the period addressed by section 3 of the resolution shall not constitute a legislative day for purposes of clause 7 of rule XIII (resolutions of inquiry).

Section 7 of the resolution provides that for each day during the period addressed by section 3 shall not constitute a calendar or legislative day for purposes of clause 7(c)(1) of rule XXII (motions to instruct conferees).

#### EXPLANATION OF WAIVERS

Although the resolution waives all points of order against the amendments to H.R. 5303 printed in this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against consideration of H.R. 6094, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against provisions in H.R. 6094, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

## SUMMARY OF THE AMENDMENTS TO H.R. 5303 MADE IN ORDER

1. Byrne (AL): Directs the Secretary to coordinate with all Gulf States on developing an oyster bed recovery assessment for beds that were damaged due to Hurricane Katrina, Deepwater Horizon and recent floods, adopting a modified version of the Senate passed text. (10 minutes)
2. Crawford (AR): Clarifies the Water Infrastructure Finance and Innovation Act (WIFIA) to make eligible alternative water delivery projects aimed at reducing aquifer depletion and makes a technical modification that ensures WIFIA financing arrangements take into account the total cost of the project. (10 minutes)
3. Culberson (TX), Green, Al (TX): Directs the Secretary to expedite the Brays Bayou flood mitigation project authorized by item 6 in section 211(f) of the Water Resources Development Act of 1996. (10 minutes)
4. Farenthold (TX): Provides that no new start or new investment decision shall be required to initiate work on a separable element of an authorized project when contraction of one or more separable elements of that project was initiated previously; it shall be considered ongoing work and it should be considered continuation of the fully authorized project. (10 minutes)
5. Johnson, Sam (TX), Sessions (TX), Ratcliffe (TX), Johnson, Eddie Bernice (TX): Requires the EPA and Army Corps of Engineers to issue the final federal permit for the Lower Bois d'Arc Creek Reservoir Project no later than September 30, 2017. (10 minutes)
6. Ribble (WI), Nolan (MN), Esty (CT): Provides that in carrying out the design, construction, maintenance, repair, and rehabilitation of water resources development projects, including flood risk reduction, coastal resiliency, and ecosystem restoration projects, the Secretary shall ensure that appropriate consideration is given to the use of natural and nature-based features. (10 minutes)
7. Rogers, Harold (KY): Clarifies that requirements imposed on floating cabins used in the Cumberland River Basin cannot be different or more stringent than the requirements imposed on all recreational vessels authorized for use in the Basin. (10 minutes)
8. Rouzer (NC): Directs the Army Corps of Engineers to work with state officials to establish a no wake zone in federal navigation channels when certain criteria are met. (10 minutes)
9. Meng (NY), Stefanik (NY): Allows the Army Corps of Engineers to pursue projects and technologies that prevent and mitigate flood damages associated with ice jams (chunks of ice floating on a river that catch on an obstruction such as a bridge piling, rocks, logs, etc., pile up to form an ice dam, and cause flooding upstream from the blockage, and then possibly downstream again when the ice finally releases). (10 minutes)
10. Moore, Gwen (WI): Calls for the Army Corps to conduct a review of its tribal consultation policies and regulations. Provides that the Army Corps shall provide for public meetings with Indian tribes and other

stakeholders and provide a report to Congress on the results of the review. (10 minutes)

11. Peters, Scott (CA): Directs the Secretary to design and develop a structural health monitoring program to assess and improve the condition of infrastructure constructed and maintained by the Corps of Engineers, including research, design, and development of systems and frameworks for—response to flood and earthquake events; pre-disaster mitigation measures; lengthening the useful life of the infrastructure; and identifying risks due to sea level rise. (10 minutes)
12. Quigley (IL): Expedites the completion of the project for flood control, Chicagoland Underflow Plan, Illinois, phase 2. (10 minutes)
13. Vela (TX), Farenthold (TX): Directs the Secretary of the Army to release the interests of the United States in certain tracts of land located in Cameron County, Texas, and for other purposes. (10 minutes)
14. Huizenga (MI): Makes permanent a set aside of Army Corps priority funding for the Great Lakes. (10 minutes)
15. Joyce (OH): Amends the Clean Water Act to reauthorize the Great Lakes Restoration Initiative. (10 minutes)
16. Bridenstine (OK), Russell (OK): Strengthens language requiring a feasibility study of Tulsa and West Tulsa levees. Prioritizes the project if study classifies levee or levee system Class I or Class II. (10 minutes)
17. Courtney (CT): Removes a breakwater in Stonington, Conn. as a federally authorized project. (10 minutes)
18. Newhouse (WA), Heck, Denny (WA), Kilmer (WA), Walden (OR): Directs the Chief of Engineers to transfer the human remains commonly known as the Kennewick Man or the Ancient One to the Washington State Department of Archeology and Historic Preservation, on the condition that the Department disposes of the remains and repatriates the remains to the claimant tribes. (10 minutes)
19. Kildee (MI), Moolenaar (MI): Authorizes the Secretary to provide additional assistance under section 219 of the Water Resources Development Act of 1992 for certain communities for the repair or replacement of public and private infrastructure in any State for which the President has declared an emergency under the Stafford Act as a result of the presence of chemical, physical, or biological constituents, including lead or other contaminants in the eligible system. (10 minutes)

TEXT OF AMENDMENTS TO H.R. 5303 MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BYRNE  
OF ALABAMA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO THE RULES COMMITTEE PRINT**  
**FOR H.R. 5303** *2BR<sub>2</sub>*  
**OFFERED BY MR. BYRNE OF ALABAMA**

At the end of title I, add the following:

1 **SEC. \_\_\_\_.** **GULF COAST OYSTER BED RECOVERY ASSESS-**  
2 **MENT.**

3 (a) **DEFINITIONS.**—In this section:

4 (1) **GULF STATES.**—The term “Gulf States”  
5 means each of the States of Alabama, Florida, Lou-  
6 isiana, Mississippi, and Texas.

7 (2) **SECRETARY.**—The term “Secretary” means  
8 the Secretary of the Army, acting through the Chief  
9 of Engineers.

10 (b) **GULF COAST OYSTER BED RECOVERY ASSESS-**  
11 **MENT.**—The Secretary, in coordination with the Gulf  
12 States, shall conduct an assessment relating to the recov-  
13 ery of oyster beds on the coast of Gulf States that were  
14 damaged by events including—

15 (1) Hurricane Katrina in 2005;

16 (2) the Deepwater Horizon oil spill in 2010;

17 and

18 (3) floods in 2011 and 2016.

1       (c) INCLUSION.—The assessment conducted under  
2 subsection (b) shall address the beneficial use of dredged  
3 material in providing substrate for oyster bed develop-  
4 ment.

5       (d) REPORT.—Not later than 180 days after the date  
6 of enactment of this Act, the Secretary shall submit to  
7 the Committee on Environment and Public Works of the  
8 Senate and the Committee on Transportation and Infra-  
9 structure of the House of Representatives a report on the  
10 assessment conducted under subsection (b).





2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CRAWFORD OF ARKANSAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO THE RULES COMMITTEE PRINT**  
**FOR H.R. 5303** 103  
**OFFERED BY MR. CRAWFORD OF ARKANSAS**

At the end of title I, add the following:

1 **SEC. \_\_\_\_ . WATER INFRASTRUCTURE FINANCE AND INNO-**  
2 **VATION.**

3 (a) **PROJECTS ELIGIBLE FOR ASSISTANCE.**—Section  
4 5026(6) of the Water Infrastructure Finance and Innova-  
5 tion Act of 2014 (33 U.S.C. 3905(6)) is amended by strik-  
6 ing “or a water recycling project” and inserting “a water  
7 recycling project, or a project of the Corps of Engineers  
8 to provide alternative water supplies to reduce aquifer de-  
9 pletion”.

10 (b) **CREDIT.**—Section 5029(b) of the Water Infra-  
11 structure Finance and Innovation Act of 2014 (33 U.S.C.  
12 3908(b)) is amended by adding at the end the following:

13 “(10) **CREDIT.**—With respect to a project of  
14 the Corps of Engineers to provide alternative water  
15 supplies to reduce aquifer depletion, any eligible  
16 project costs incurred and the value of any integral  
17 in-kind contributions made before receipt of assist-  
18 ance under this subtitle shall be credited toward the  
19 51 percent of project costs to be provided by sources

1 of funding other than a secured loan under this sub-  
2 title (as described in paragraph (2)(A)).”.



3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
CULBERSON OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10  
MINUTES

**AMENDMENT TO THE RULES COMMITTEE PRINT**

**FOR H.R. 5303**

32R

**OFFERED BY MR. CULBERSON OF TEXAS**

At the end of title I, add the following:

1 **SEC. 1\_\_\_. FLOOD MITIGATION AND RIERINE RESTORA-**  
2 **TION PROGRAM.**

3 The Secretary shall expedite carrying out the project  
4 for flood risk management, Brays Bayou, Texas, author-  
5 ized by item 6 in section 211(f) of the Water Resources  
6 Development Act of 1996 (Public Law 104-303).



4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
FARENTHOLD OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10  
MINUTES

**AMENDMENT TO THE RULES COMMITTEE PRINT**  
**FOR H.R. 5303**  
**OFFERED BY MR. FARENTHOLD OF TEXAS**

69R

At the end of title I, add the following:

1 **SEC. \_\_\_\_ . INITIATING WORK ON SEPARABLE ELEMENTS.**

2 With respect to a water resources development  
3 project that has received construction funds in the pre-  
4 vious 6-year period, for purposes of initiating work on a  
5 separable element of the project—

6 (1) no new start or new investment decision  
7 shall be required; and

8 (2) the work shall be treated as ongoing work.



5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JOHNSON OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES



42R

**AMENDMENT TO THE RULES COMMITTEE PRINT  
FOR H.R. 5303  
OFFERED BY MR. SAM JOHNSON OF TEXAS**

At the end of title I, add the following:

1 **SEC. 153. LOWER BOIS D'ARC CREEK RESERVOIR PROJECT,**  
2 **FANNIN COUNTY, TEXAS.**

3 (a) FINALIZATION REQUIRED.—Not later than Sep-  
4 tember 30, 2017, the Secretary shall finalize all permit  
5 decisions and publish all decision documents related to the  
6 construction of, impoundment of water in, and operation  
7 of, the Lower Bois d'Arc Creek Reservoir Project, includ-  
8 ing any associated water transmission facilities, by the  
9 North Texas Municipal Water District in Fannin County,  
10 Texas.

11 (b) INTERIM REPORT.—Not later than June 30,  
12 2017, the Secretary shall report to Congress on the status  
13 of the permit decisions and related documents described  
14 in subsection (a) and whether or not the Secretary antici-  
15 pates being able to meet the deadline established in such  
16 subsection, including, if applicable, a justification of why  
17 the Secretary may fail to meet such deadline.



6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE RIBBLE OF WISCONSIN OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO THE RULES COMMITTEE PRINT  
FOR H.R. 5303  
OFFERED BY MR. RIBBLE OF WISCONSIN**

At the end of title I, add the following:

1 **SEC. 1\_\_\_. CONSIDERATION OF USE OF NATURAL AND NA-**  
2 **TURE-BASED FEATURE.**

3 In carrying out the design, construction, mainte-  
4 nance, repair, and rehabilitation of development projects,  
5 including flood risk reduction, coastal resiliency, and eco-  
6 system restoration projects, the Secretary shall ensure  
7 that appropriate consideration is given to the use of nat-  
8 ural and nature-based features.



7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ROGERS OF KENTUCKY OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO THE RULES COMMITTEE PRINT**  
**FOR H.R. 5303** 101  
**OFFERED BY MR. ROGERS OF KENTUCKY**

At the end of title I, add the following:

1 **SEC. \_\_\_\_ . RECREATIONAL ACCESS.**

2 Section 1035 of the Water Resources Reform and De-  
3 velopment Act of 2014 (Public Law 113–121; 128 Stat.  
4 1234) is amended—

5 (1) by striking subsection (b) and inserting the  
6 following:

7 “(b) RECREATIONAL ACCESS.—The Secretary shall  
8 allow the use of a floating cabin on waters under the juris-  
9 diction of the Secretary in the Cumberland River basin  
10 if—

11 “(1) the floating cabin—

12 “(A) is in compliance with, and maintained  
13 by the owner to satisfy the requirements of,  
14 regulations for recreational vessels, including  
15 health and safety standards, issued under chap-  
16 ter 43 of title 46, United States Code, and sec-  
17 tion 312 of the Federal Water Pollution Control  
18 Act (33 U.S.C. 1322); and

1           “(B) is located at a marina leased by the  
2           Corps of Engineers; and

3           “(2) the Secretary has authorized the use of  
4           recreational vessels on such waters.”; and

5           (2) by adding at the end the following:

6           “(c) LIMITATION ON STATUTORY CONSTRUCTION.—

7           “(1) IN GENERAL.—Nothing in this section  
8           may be construed to authorize the Secretary to im-  
9           pose requirements on a floating cabin or on any fa-  
10          cility that serves a floating cabin, including marinas  
11          or docks located on waters under the jurisdiction of  
12          the Secretary in the Cumberland River basin, that  
13          are different or more stringent than the require-  
14          ments imposed on all recreational vessels authorized  
15          to use such waters.

16          “(2) DEFINITIONS.—In this subsection, the fol-  
17          lowing definitions apply:

18                 “(A) VESSEL.—The term ‘vessel’ has the  
19                 meaning given that term in section 3 of title 1,  
20                 United States Code.

21                 “(B) REQUIREMENT.—The term ‘require-  
22                 ment’ includes a requirement imposed through  
23                 the utilization of guidance.”.





8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
ROUZER OF NORTH CAROLINA OR HIS DESIGNEE, DEBATABLE  
FOR 10 MINUTES

**AMENDMENT TO THE RULES COMMITTEE PRINT  
FOR H.R. 5303 102  
OFFERED BY MR. ROUZER OF NORTH CAROLINA**

At the end of title I, add the following:

1 **SEC. \_\_\_\_ . NO WAKE ZONES FOR VESSELS.**

2 (a) IN GENERAL.—The Secretary shall work with  
3 State and local officials to establish a no wake zone for  
4 vessels in a covered navigation channel if—

5 (1) State or local law enforcement officers have  
6 documented that there exist safety hazards that are  
7 a direct result of excessive wakes in the channel;

8 (2) a State law has been enacted to establish a  
9 no wake zone for the channel or waters adjacent to  
10 the channel; and

11 (3) the no wake zone complies with any rec-  
12 ommendation made by the Commandant of the  
13 Coast Guard to ensure the safety of vessels oper-  
14 ating in the zone and the safety of the passengers  
15 and crew aboard such vessels.

16 (b) EXCEPTION.—A no wake zone established pursu-  
17 ant to this section shall not apply to the operation of a  
18 towing vessel, as defined in section 2101 of title 46,  
19 United States Code.



1       (c) COVERED NAVIGATION CHANNEL.—In this sec-  
2   tion, the term “covered navigation channel” means a navi-  
3   gation channel that—

4               (1) is federally marked or maintained;

5               (2) is part of the Atlantic Intracoastal Water-  
6   way; and

7               (3) is adjacent to a marina.



9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MENG OF NEW YORK OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO THE RULES COMMITTEE PRINT  
FOR H.R. 5303  
OFFERED BY MS. MENG OF NEW YORK**

16

At the end of title I, add the following:

**1 SEC. \_\_\_\_ ICE JAM PREVENTION AND MITIGATION.**

2 (a) IN GENERAL.—The Secretary may carry out  
3 projects under section 205 of the Flood Control Act of  
4 1948 (33 U.S.C. 701s), including planning, design, con-  
5 struction, and monitoring of structural and nonstructural  
6 technologies and measures for preventing and mitigating  
7 flood damages associated with ice jams.

8 (b) INCLUSION.—The projects described in sub-  
9 section (a) may include the development and demonstra-  
10 tion of cost-effective technologies and designs developed in  
11 consultation with—

- 12 (1) the Cold Regions Research and Engineering
- 13 Laboratory of the Corps of Engineers;
- 14 (2) universities;
- 15 (3) Federal, State, and local agencies; and
- 16 (4) private organizations.



10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MOORE  
OF WISCONSIN OR HER DESIGNEE, DEBATABLE FOR 10  
MINUTES

**AMENDMENT TO THE RULES COMMITTEE PRINT  
FOR H.R. 5303  
OFFERED BY MS. MOORE OF WISCONSIN**

91L

At the end of title I, add the following:

1 **SEC. \_\_\_\_ . TRIBAL CONSULTATION.**

2 (a) REVIEW.—Not later than 60 days after the date  
3 of enactment of this Act, the Secretary shall begin a re-  
4 view of the policies, regulations, and guidance related to  
5 conducting meaningful consultation with Indian tribes re-  
6 garding Corps of Engineers flood control, environmental  
7 restoration, and other projects or requiring the Corps of  
8 Engineers to approve a permit that may have an impact  
9 on tribal cultural or natural resources.

10 (b) CONTENTS.—The review required under sub-  
11 section (a) shall examine and assess the following:

12 (1) How tribal consultation rules apply to the  
13 permitting process, especially for projects not on  
14 tribal lands but which may still be contiguous to  
15 such lands or affect tribal cultural and natural re-  
16 sources.

17 (2) How the Corps of Engineers defines mean-  
18 ingful consultation.

1           (3) Whether the current process adequately  
2           considers tribal interests including environmental,  
3           social, health and well-being of tribal members.

4           (4) How the Corps of Engineers informs tribes  
5           that it will not consider concerns or alternatives  
6           raised during the consultation process.

7           (5) How the Corps of Engineers determines a  
8           project's impact on tribal communities including the  
9           Corps ability to protect cultural and natural re-  
10          sources such as water.

11          (6) The specific situations by which tribes have  
12          access to high level Corps of Engineers officials such  
13          as the Assistant Secretary of the Army (Civil  
14          Works) and the Chief of Engineers to dispute or  
15          otherwise direct concerns about pending Corps of  
16          Engineers projects or permits, including examples of  
17          instances in which the Corps of Engineers provided  
18          such access as part of its consultation with a tribe  
19          regarding a particular project.

20          (7) The role of headquarters in overseeing trib-  
21          al consultation being done at the District and Divi-  
22          sion levels.

23          (8) The effectiveness of the dispute resolution  
24          process that has been developed to elevate tribal con-

cerns to higher levels of Corps of Engineers oversight and review.

(9) Whether the Corps should undertake a rule-making process related to its tribal consultation policies and procedures.

(c) CONSULTATION.—In completing the review required under subsection (a), the Secretary shall provide for public and private meetings with Indian tribes and other stakeholders.

(d) REPORT.—Not later than 1 year after beginning the review under subsection (a), the Secretary shall submit to Congress, and publish in the Federal Register, a report on—

(1) the results of the review;

(2) any proposed changes to the tribal consultation policies determined necessary as a result of the review; and

(3) if the Secretary determines that no changes to the tribal consultation policies are necessary, the justification for such determination.



11. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
PETERS OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10  
MINUTES



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**AMENDMENT TO THE RULES COMMITTEE PRINT  
FOR H.R. 5303  
OFFERED BY MR. PETERS OF CALIFORNIA**

At the end of title I, add the following:

1 **SEC. \_\_\_\_.** **STRUCTURAL HEALTH MONITORING.**

2 (a) **IN GENERAL.**—The Secretary shall design and  
3 develop a structural health monitoring program to assess  
4 and improve the condition of infrastructure constructed  
5 and maintained by the Corps of Engineers, including re-  
6 search, design, and development of systems and frame-  
7 works for—

- 8 (1) response to flood and earthquake events;
- 9 (2) pre-disaster mitigation measures;
- 10 (3) lengthening the useful life of the infrastruc-
- 11 ture; and
- 12 (4) identifying risks due to sea level rise.

13 (b) **CONSULTATION AND CONSIDERATION.**—In devel-  
14 oping the program under subsection (a), the Secretary  
15 shall—

- 16 (1) consult with academic and other experts;
- 17 and
- 18 (2) consider models for maintenance and repair
- 19 information, the development of degradation models

- 1 for real-time measurements and environmental in-
- 2 puts, and research on qualitative inspection data as
- 3 surrogate sensors.



12. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
QUIGLEY OF ILLINOIS OR HIS DESIGNEE, DEBATABLE FOR 10  
MINUTES

**AMENDMENT TO THE RULES COMMITTEE PRINT  
FOR H.R. 5303  
OFFERED BY MR. QUIGLEY OF ILLINOIS**

At the end of title I, add the following:

1 **SEC. \_\_\_\_.** **EXPEDITED COMPLETION OF AUTHORIZED**  
2 **PROJECT FOR FLOOD CONTROL.**

3 The Secretary shall expedite the completion of the  
4 project for flood control, Chicagoland Underflow Plan, Illi-  
5 nois, phase 2, as authorized by section 3(a)(5) of the  
6 Water Resources Development Act of 1988 (Public Law  
7 100-676; 102 Stat. 4013) and modified by section 319  
8 of the Water Resources Development Act of 1996 (Public  
9 Law 104-303; 110 Stat. 3715) and section 501 of the  
10 Water Resources Development Act of 1999 (Public Law  
11 106-53; 113 Stat. 334).



13. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE VELA  
OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

43R

**AMENDMENT TO THE RULES COMMITTEE PRINT  
FOR H.R. 5303  
OFFERED BY MR. VELA OF TEXAS**

At the end of title I, add the following:

1 **SEC. \_\_\_\_ . CAMERON COUNTY, TEXAS.**

2 (a) **RELEASE.**—As soon as practicable after the date  
3 of enactment of this Act, the Secretary shall execute and  
4 file in the appropriate office a deed of release, amended  
5 deed, or other appropriate instrument effectuating the re-  
6 lease of the interests of the United States in certain tracts  
7 of land located in Cameron County, Texas, as described  
8 in subsection (e).

9 (b) **ADDITIONAL TERMS AND CONDITIONS.**—The  
10 Secretary may require that any release under this section  
11 be subject to such additional terms and conditions as the  
12 Secretary considers appropriate and necessary to protect  
13 the interests of the United States.

14 (c) **COSTS OF CONVEYANCE.**—The Brownsville Navi-  
15 gation District shall be responsible for all reasonable and  
16 necessary costs, including real estate transaction and envi-  
17 ronmental documentation costs, associated with the re-  
18 leases.



1 (d) DESCRIPTION.—The Secretary shall release all or  
2 portions of the interests in the following tracts as deter-  
3 mined by a survey to be paid for by the Brownsville Navi-  
4 gation District, that is satisfactory to the Secretary:

5 (1) Tract No. 1: Being approximately 1,277.80  
6 acres as conveyed by the Brownsville Navigation  
7 District of Cameron County, Texas, to the United  
8 States by instrument dated September 22, 1932,  
9 and recorded at volume 238, pages 578 through  
10 580, in the Deed Records of Cameron County,  
11 Texas, to be released and abandoned in its entirety,  
12 save and except the approximately 347.40 acres.

13 (2) Tract No. 2: Being approximately 842.28  
14 acres as condemned by the United States by the  
15 Final Report of Commissioners dated May 6, 1938,  
16 and recorded at volume 281, pages 486 through  
17 488, in the Deed Records of Cameron County,  
18 Texas, to be released and abandoned in its entirety,  
19 save and except approximately 158.14 acres com-  
20 prised of an approximately 500 ft. wide strip cen-  
21 tered on the centerline of the Brownsville Ship  
22 Channel.

23 (3) Tract No. 3: Being approximately 362.00  
24 acres as conveyed by the Manufacturing and Distrib-  
25 uting University to the United States by instrument

1       dated March 3, 1936, and recorded at volume "R",  
2       page 123, in the Miscellaneous Deed Records of  
3       Cameron County, Texas, to be released and aban-  
4       doned in its entirety.

5           (4) Tract No. 5: Being approximately 10.91  
6       acres as conveyed by the Brownsville Navigation  
7       District of Cameron County, Texas, by instrument  
8       dated March 6, 1939, and recorded at volume 293,  
9       pages 113 through 115, in the Deed Records of  
10      Cameron County, Texas (said 10.91 acres are identi-  
11      fied in said instrument as the "Third Tract"), to be  
12      partially released as to the land portion of the tract.

13          (5) Tract No. 9: Being approximately 552.82  
14      acres as condemned by the United States by the  
15      Final Report of Commissioners dated May 6, 1938,  
16      and recorded at volume 281, pages 483 through  
17      486, in the Deed Records of Cameron County,  
18      Texas, to be released and abandoned in its entirety,  
19      save and except approximately 88.04 acres com-  
20      prised of an approximately 450 ft. wide strip along  
21      the new centerline of the Brownsville Ship Channel.

22          (6) Tract No. 10: Being approximately 325.02  
23      acres as condemned by the United States by the  
24      Final Report of Commissioners dated May 7, 1935,  
25      and recorded at volume 281, pages 476 through



1       483, in the Deed Records of Cameron County,  
2       Texas, to be released and abandoned in its entirety,  
3       save and except approximately 61.58 acres com-  
4       prised of an approximately 500 ft. wide strip cen-  
5       tered on the new centerline of the Brownsville Ship  
6       Channel.

7           (7) Tract No. 11: Being approximately 8.85  
8       acres as conveyed by the Brownsville Navigation  
9       District of Cameron County, Texas, to the United  
10      States by instrument dated January 23, 1939, and  
11      recorded at volume 293, pages 115 through 118, in  
12      the Deed Records of Cameron County, Texas (said  
13      8.85 acres are identified in said instrument as the  
14      "First Tract"), to be released and abandoned in its  
15      entirety, save and except a narrow area along the  
16      channel.



14. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HUIZENGA OF MICHIGAN OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO THE RULES COMMITTEE PRINT  
FOR H.R. 5303  
OFFERED BY MR. HUIZENGA OF MICHIGAN**

105L

At the end of title I, add the following:

1 **SEC. \_\_\_\_ . GREAT LAKES NAVIGATION SYSTEM.**

2       Section 210(d)(1)(B) of the Water Resources Devel-  
3 opment Act of 1986 (33 U.S.C. 2238(d)(1)(B)) is amend-  
4 ed in the matter preceding clause (i) by striking “For each  
5 of fiscal years 2015 through 2024” and inserting “For  
6 each fiscal year”.



15. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JOYCE  
OF OHIO OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO THE RULES COMMITTEE PRINT**  
**FOR H.R. 5308**  
**OFFERED BY MR. JOYCE OF OHIO**

52

At the end of title I, add the following:

1 **SEC. \_\_\_\_ . GREAT LAKES RESTORATION INITIATIVE.**

2 Section 118(c)(7) of the Federal Water Pollution  
3 Control Act (33 U.S.C. 1268(c)(7)) is amended—

4 (1) by striking subparagraphs (B) and (C) and  
5 inserting the following:

6 “(B) FOCUS AREAS.—In carrying out the  
7 Initiative, the Administrator shall prioritize pro-  
8 grams and projects, to be carried out in coordi-  
9 nation with non-Federal partners, that address  
10 the priority areas described in the Initiative Ac-  
11 tion Plan, including—

12 “(i) the remediation of toxic sub-  
13 stances and areas of concern;

14 “(ii) the prevention and control of  
15 invasive species and the impacts of invasive  
16 species;

17 “(iii) the protection and restoration of  
18 nearshore health and the prevention and  
19 mitigation of nonpoint source pollution;

1           “(iv) habitat and wildlife protection  
2           and restoration, including wetlands res-  
3           toration and preservation; and

4           “(v) accountability, monitoring, eval-  
5           uation, communication, and partnership  
6           activities.

7           “(C) PROJECTS.—

8           “(i) IN GENERAL.—In carrying out  
9           the Initiative, the Administrator shall col-  
10          laborate with other Federal partners, in-  
11          cluding the Great Lakes Interagency Task  
12          Force established by Executive Order No.  
13          13340 (69 Fed. Reg. 29043), to select the  
14          best combination of programs and projects  
15          for Great Lakes protection and restoration  
16          using appropriate principles and criteria,  
17          including whether a program or project  
18          provides—

19               “(I) the ability to achieve stra-  
20               tegic and measurable environmental  
21               outcomes that implement the Initia-  
22               tive Action Plan and the Great Lakes  
23               Water Quality Agreement;

24               “(II) the feasibility of—

1                   “(aa) prompt implementa-  
2                   tion;

3                   “(bb) timely achievement of  
4                   results; and

5                   “(cc) resource leveraging;  
6                   and

7                   “(III) the opportunity to improve  
8                   interagency, intergovernmental, and  
9                   inter-organizational coordination and  
10                  collaboration to reduce duplication  
11                  and streamline efforts.

12                  “(ii) OUTREACH.—In selecting the  
13                  best combination of programs and projects  
14                  for Great Lakes protection and restoration  
15                  under clause (i), the Administrator shall  
16                  consult with the Great Lakes States and  
17                  Indian tribes and solicit input from other  
18                  non-Federal stakeholders.

19                  “(iii) HARMFUL ALGAL BLOOM COOR-  
20                  DINATOR.—The Administrator shall des-  
21                  ignate a point person from an appropriate  
22                  Federal partner to coordinate, with Fed-  
23                  eral partners and Great Lakes States, In-  
24                  dian tribes, and other non-Federal stake-  
25                  holders, projects and activities under the



1 Initiative involving harmful algal blooms in  
2 the Great Lakes.”;

3 (2) in subparagraph (D)—

4 (A) by striking clause (i) and inserting the  
5 following:

6 “(i) IN GENERAL.—Subject to sub-  
7 paragraph (J)(ii), funds made available to  
8 carry out the Initiative shall be used to  
9 strategically implement—

10 “(I) Federal projects;

11 “(II) projects carried out in co-  
12 ordination with States, Indian tribes,  
13 municipalities, institutions of higher  
14 education, and other organizations;  
15 and

16 “(III) operations and activities of  
17 the Program Office, including remedi-  
18 ation of sediment contamination in  
19 areas of concern.”;

20 (B) in clause (ii)(I), by striking “(G)(i)”  
21 and inserting “(J)(i)”; and

22 (C) by inserting after clause (ii) the fol-  
23 lowing:

24 “(iii) AGREEMENTS WITH NON-FED-  
25 ERAL ENTITIES.—

1                   “(I) IN GENERAL.—The Admin-  
2                   istrator, or the head of any other Fed-  
3                   eral department or agency receiving  
4                   funds under clause (ii)(I), may make  
5                   a grant to, or otherwise enter into an  
6                   agreement with, a qualified non-Fed-  
7                   eral entity, as determined by the Ad-  
8                   ministrator or the applicable head of  
9                   the other Federal department or agen-  
10                  cy receiving funds, for planning, re-  
11                  search, monitoring, outreach, or im-  
12                  plementation of a project selected  
13                  under subparagraph (C), to support  
14                  the Initiative Action Plan or the Great  
15                  Lakes Water Quality Agreement.

16                  “(II) QUALIFIED NON-FEDERAL  
17                  ENTITY.—For purposes of this clause,  
18                  a qualified non-Federal entity may in-  
19                  clude a governmental entity, nonprofit  
20                  organization, institution, or indi-  
21                  vidual.”; and

22                  (3) by striking subparagraphs (E) through (G)  
23                  and inserting the following:

24                  “(E) SCOPE.—

1           “(i) IN GENERAL.—Projects may be  
2           carried out under the Initiative on multiple  
3           levels, including—

4                   “(I) locally;

5                   “(II) Great Lakes-wide; or

6                   “(III) Great Lakes basin-wide.

7           “(ii) LIMITATION.—No funds made  
8           available to carry out the Initiative may be  
9           used for any water infrastructure activity  
10          (other than a green infrastructure project  
11          that improves habitat and other ecosystem  
12          functions in the Great Lakes) for which fi-  
13          nancial assistance is received—

14                   “(I) from a State water pollution  
15                  control revolving fund established  
16                  under title VI;

17                   “(II) from a State drinking water  
18                  revolving loan fund established under  
19                  section 1452 of the Safe Drinking  
20                  Water Act (42 U.S.C. 300j–12); or

21                   “(III) pursuant to the Water In-  
22                  frastructure Finance and Innovation  
23                  Act of 2014 (33 U.S.C. 3901 et seq.).

24          “(F) ACTIVITIES BY OTHER FEDERAL  
25          AGENCIES.—Each relevant Federal department

1 or agency shall, to the maximum extent prac-  
2 ticable—

3 “(i) maintain the base level of funding  
4 for the Great Lakes activities of that de-  
5 partment or agency without regard to  
6 funding under the Initiative; and

7 “(ii) identify new activities and  
8 projects to support the environmental goals  
9 of the Initiative.

10 “(G) REVISION OF INITIATIVE ACTION  
11 PLAN.—

12 “(i) IN GENERAL.—Not less often  
13 than once every 5 years, the Adminis-  
14 trator, in conjunction with the Great Lakes  
15 Interagency Task Force, shall review, and  
16 revise as appropriate, the Initiative Action  
17 Plan to guide the activities of the Initiative  
18 in addressing the restoration and protec-  
19 tion of the Great Lakes system.

20 “(ii) OUTREACH.—In reviewing and  
21 revising the Initiative Action Plan under  
22 clause (i), the Administrator shall consult  
23 with the Great Lakes States and Indian  
24 tribes and solicit input from other non-  
25 Federal stakeholders.

1           “(H) MONITORING AND REPORTING.—The  
2 Administrator shall—

3           “(i) establish and maintain a process  
4 for monitoring and periodically reporting  
5 to the public on the progress made in im-  
6 plementing the Initiative Action Plan;

7           “(ii) make information about each  
8 project carried out under the Initiative Ac-  
9 tion Plan available on a public website; and

10           “(iii) provide to the House Committee  
11 on Transportation and Infrastructure and  
12 the Senate Committee on Environment and  
13 Public Works a yearly detailed description  
14 of the progress of the Initiative and  
15 amounts transferred to participating Fed-  
16 eral departments and agencies under sub-  
17 paragraph (D)(ii).

18           “(I) INITIATIVE ACTION PLAN DEFINED.—  
19 In this paragraph, the term ‘Initiative Action  
20 Plan’ means the comprehensive, multi-year ac-  
21 tion plan for the restoration of the Great  
22 Lakes, first developed pursuant to the Joint  
23 Explanatory Statement of the Conference Re-  
24 port accompanying the Department of the Inte-

rior, Environment, and Related Agencies Appropriations Act, 2010 (Public Law 111–88).

“(J) FUNDING.—

“(i) IN GENERAL.—There is authorized to be appropriated to carry out this paragraph \$300,000,000 for each of fiscal years 2017 through 2021.

“(ii) LIMITATION.—Nothing in this paragraph creates, expands, or amends the authority of the Administrator to implement programs or projects under—

“(I) this section;

“(II) the Initiative Action Plan;

or

“(III) the Great Lakes Water Quality Agreement.”.



16. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
BRIDENSTINE OF OKLAHOMA OR HIS DESIGNEE, DEBATABLE  
FOR 10 MINUTES



**AMENDMENT TO THE RULES COMMITTEE PRINT  
FOR H.R. 5303  
OFFERED BY MR. BRIDENSTINE OF OKLAHOMA**

Page 72, strike lines 19 through 21.

At the end of title II, add the following:

1 **SEC. 2 \_\_\_\_ . TULSA AND WEST TULSA, ARKANSAS RIVER,**  
2 **OKLAHOMA.**

3 (1) IN GENERAL.—The Secretary shall conduct  
4 a study to determine the feasibility of modifying the  
5 projects for flood risk management, Tulsa and West  
6 Tulsa, Oklahoma, authorized by section 3 of the Act  
7 of August 18, 1941 (55 Stat. 645; chapter 377).

8 (2) REQUIREMENTS.—

9 (A) IN GENERAL.—In carrying out the  
10 study under paragraph (1), the Secretary shall  
11 address project deficiencies, uncertainties, and  
12 significant data gaps, including material, con-  
13 struction, and subsurface, which render the  
14 project at risk of overtopping, breaching, or sys-  
15 tem failure.

16 (B) ADDRESSING DEFICIENCIES.—In ad-  
17 dressing deficiencies under subparagraph (A),

1 the Secretary shall incorporate current design  
2 standards and efficiency improvements, includ-  
3 ing the replacement of mechanical and electrical  
4 components at pumping stations, if the incorpo-  
5 ration does not significantly change the scope,  
6 function, or purpose of the project.

7 (3) PRIORITIZATION TO ADDRESS SIGNIFICANT  
8 RISKS.—In any case in which a levee or levee system  
9 (as defined in section 9002 of the Water Resources  
10 Reform and Development Act of 2007 (33 U.S.C.  
11 3301)) is classified as a Class I or II under the levee  
12 safety action classification tool developed by the  
13 Corps of Engineers, the Secretary shall expedite the  
14 project for budget consideration.



17. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE COURTNEY OF CONNECTICUT OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

19

**AMENDMENT TO THE RULES COMMITTEE PRINT  
FOR H.R. 5303  
OFFERED BY MR. COURTNEY OF CONNECTICUT**

At the end of title III, add the following:

1 **SEC. \_\_\_\_ . STONINGTON HARBOR, CONNECTICUT.**

2       The portion of the project for navigation, Stonington  
3 Harbor, Connecticut, authorized by the Act of May 23,  
4 1828 (4 Stat. 288; chapter 73) that consists of the inner  
5 stone breakwater that begins at coordinates N.  
6 682,146.42, E. 1231,378.69, running north 83.587 de-  
7 grees west 166.79' to a point N. 682,165.05, E.  
8 1,231,212.94, running north 69.209 degrees west 380.89'  
9 to a point N. 682,300.25, E. 1,230,856.86, is no longer  
10 authorized as a Federal project beginning on the date of  
11 enactment of this Act.



18. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
NEWHOUSE OF WASHINGTON OR HIS DESIGNEE, DEBATABLE  
FOR 10 MINUTES



**AMENDMENT TO THE RULES COMMITTEE PRINT  
FOR H.R. 5303  
OFFERED BY MR. NEWHOUSE OF WASHINGTON**

107LR

At the end of title I, add the following:

1 **SEC. \_\_\_\_ . KENNEWICK MAN.**

2 (a) **DEFINITIONS.**—In this section:

3 (1) **CLAIMANT TRIBES.**—The term “claimant  
4 tribes” means the Confederated Tribes of the  
5 Colville Reservation, the Confederated Tribes and  
6 Bands of the Yakama Nation, the Nez Perce Tribe,  
7 the Confederated Tribes of the Umatilla Reserva-  
8 tion, and the Wanapum Band of Priest Rapids.

9 (2) **DEPARTMENT.**—The term “Department”  
10 means the Washington State Department of Archae-  
11 ology and Historic Preservation.

12 (3) **HUMAN REMAINS.**—The term “human re-  
13 mains” means the human remains that—

14 (A) are known as Kennewick Man or the  
15 Ancient One, which includes the projectile point  
16 lodged in the right ilium bone, as well as any  
17 residue from previous sampling and studies;  
18 and

1 (B) are part of archaeological collection  
2 number 45BN495.

3 (b) TRANSFER.—Notwithstanding any other provi-  
4 sion of Federal law, including the Native American Graves  
5 Protection and Repatriation Act (25 U.S.C. 3001 et seq.),  
6 or law of the State of Washington, not later than 90 days  
7 after the date of enactment of this Act, the Secretary, act-  
8 ing through the Chief of Engineers, shall transfer the  
9 human remains to the Department, on the condition that  
10 the Department, acting through the State Historic Preser-  
11 vation Officer, disposes of the remains and repatriates the  
12 remains to claimant tribes.

13 (c) TERMS AND CONDITIONS.—The transfer shall be  
14 subject to the following terms and conditions:

15 (1) The release of the human remains to the  
16 claimant tribes is contingent upon the claimant  
17 tribes entering into agreement with the Department.

18 (2) The claimant tribes are in agreement as to  
19 the final burial place of the human remains.

20 (3) The claimant tribes are in agreement that  
21 the human remains will be buried in the State of  
22 Washington.

23 (4) The claimant tribes are in agreement that  
24 the Department will take custody of the human re-  
25 mains upon the transfer by the Secretary.



1 (d) COST.—The Corps of Engineers shall be respon-  
2 sible for any costs associated with the transfer.

3 (e) LIMITATIONS.—

4 (1) IN GENERAL.—The transfer shall be limited  
5 solely to the human remains portion of the archae-  
6 ological collection.

7 (2) SECRETARY.—The Secretary shall have no  
8 further responsibility for the human remains trans-  
9 ferred pursuant to subsection (b) after the date of  
10 the transfer.



19. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
KILDEE OF MICHIGAN OR HIS DESIGNEE, DEBATABLE FOR 10  
MINUTES

**AMENDMENT TO THE RULES COMMITTEE PRINT**  
**FOR H.R. 5302** 108L  
**OFFERED BY MR. KILDEE OF MICHIGAN AND MR.**  
**MOOLENAAR OF MICHIGAN**

At the end of title I, add the following:

1 **SEC. 1 \_\_\_\_ . ADDITIONAL ASSISTANCE.**

2 Section 219 of the Water Resources Development Act  
3 of 1992 (Public Law 102-580; 106 Stat. 4835) is amend-  
4 ed by adding at the end the following:

5 “(g) **ADDITIONAL ASSISTANCE.**—Notwithstanding  
6 any limitation on project purposes identified in subsections  
7 (c) or (f), or limitation on authorization, the Secretary  
8 may provide additional assistance under subsection (a),  
9 and assistance for construction, to any community identi-  
10 fied in subsection (c) or (f), in any State for which the  
11 President has declared an emergency under the Robert T.  
12 Stafford Disaster Relief and Emergency Assistance Act  
13 (42 U.S.C. 5121 et seq.), as a result of the presence of  
14 chemical, physical, or biological constituents, including  
15 lead or other contaminants in the eligible system, for the  
16 repair or replacement of public and private infrastructure.  
17 “(h) **AUTHORIZATION OF APPROPRIATIONS.**—For the  
18 purposes under paragraph (g), there is authorized to be

- 1 appropriated \$170,000,000 to remain available until ex-
- 2 pended.”

